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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,357

04/19/2006

Anton Bleikholm

5829

9481

26936 7590 10/03/2007
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EXAMINER

GRABOWSKI, KYLE ROBERT

ART UNIT

PAPER NUMBER

3709

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,357

Applicant(s)

BLEIKHOLM ET AL.

Examiner

Kyle R. Grabowski

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/19/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/19/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 1,2,3, has been used to designate several different embodiments of the "constituting parts" in Figures 1-5. The drawings are also objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: O and H. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-22, and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Plaschka et al. (US 7,040,663 B1). In respect to claims 16-22, and 24, Plaschka et al. discloses a document of value such as a paper of value or ID card (Abstract) comprising: a first constituting part, substrate 1, and a second constituting part, security thread 2 (Fig. 1); substrate 1 includes a security element "print 4 produced with an inventive printing ink" (Col. 5, Lns 23-24) which "contains an optically variable material for example liquid-crystal pigments or interference layer pigments, as well as at least one machine-readable feature substance" (Col. 5, Lns 31-34). In one embodiment, "security thread 20 that, as already shown in FIG. 1, can be embedded in the bank note as a window security thread" (Col. 5, Lns 57-59), contains a optically variable layer 7 containing feature substance 8, (Fig. 2), which "may be executed as a printed layer" (Col. 5, Lns 62-63). Both security elements on each constituting part may contain identical materials as evidenced above. Plaschka et al. also disclose covert infrared properties in the optically variable layers in which "the spectral response in the visible and infrared wave ranges can be evaluated to detect the optically variable material during machine testing" (Col. 3, Lns 52-54)

In respect to claims 25-27, Plaschka et al. discloses all of the claimed subject matter for the reasons stated above including, inherently disclosing applying each security element having the same identifying properties, naturally allowing a comparison in their properties as a third feature.

4. Claims 16-22, and 24-27 are also rejected under 35 U.S.C. 102(b) as being anticipated by Plaschka et al. (WO00/50249). Plaschka et al (249) discloses all of the claimed subject matter for the reasons stated above. It is assumed that the publication WO00/50249 dated August 31, 2000, is substantially similar to the US 7,040,663 B1 patent and similarly anticipates claims 16-22 and 24-27.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plaschka et al. (US 7,040,663 B1) in view of Norman (US 5,478,629). Plaschka et al.

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discloses substantially all of the claimed subject matter except alternating polymer and coating layers comprising the substrate. Norman discloses an alternating polymer/coating multilayer sheet 10, comprising thick polymeric core layer 12 with laminate coatings 14 on each side (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the security substrate taught in Plaschka et al. with an alternating coating-polymer-coating structure in view of Norman to provide high flexural durability to the ID card or another document of value.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Grabowski whose telephone number is (571) 270-3518. The examiner can normally be reached Monday through Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence R. Till can be reached at (571) 272-1280.

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Terrence R. Till
Supervisory Patent Examiner